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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,811	02/06/2002	Lori Greiner	13345.45US01	8440
22859	7590	06/10/2005	EXAMINER	
INTELLECTUAL PROPERTY GROUP FREDRIKSON & BYRON, P.A. 200 SOUTH SIXTH STREET SUITE 4000 MINNEAPOLIS, MN 55402			SZUMNY, JONATHON A	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 06/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/068,811	Applicant(s) GREINER, LORI	
	Examiner Jon A. Szumny	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 44, 65, 66, 79 and 87 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 44, 65, 66, 79 and 87 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 May 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

This is the sixth office action for application number 10/068,811, Jewelry Organizer, filed on February 6, 2002.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 25, 2005 has been entered.

Claim Rejections - 35 USC § 103

Claims 44, 79 and 87 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levensten '427 in view of Chen '255, and further in view of

Simonsen '409, and further in view of Lewis '830, and further in view of Bernstein '637, and further in view of Townley '577, and further in view of Waitzman.

With respect to claims 44 and 79, Levensten '427 teaches an organizer (figure 1) comprising a top section (figure 1) with a lid (2) and a compartment (figure 1), a middle section (figure 1) located under the top section and having a compartment/plurality of drawers (figure 1), and a bottom section (figure 1) located under the middle section. However, Levensten '427 fails to specifically teach the top section to have a plurality of lift out drawers, and a lid pivotally connected to the top section covering the plurality of drawers when the lid is closed and revealing the drawers when the lid is open, wherein the drawers move independently of the lid.

Chen '255 teaches an organizer (figure 3) including a top section with a plurality of lift out drawers (20) each including a platform (base of drawer), wherein a lid (16) is pivotally connected to the top section and moves independently from the drawers so as to cover and reveal the lift out drawers. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the top section of Levensten '427 as in Chen '255 so as to have a plurality of lift out drawers each including a platform, wherein the drawers are

covered by an independently movable lid that inherently moves in a direction that is substantially transverse in the direction of movement of the drawers in order to increase the utility and adjustability of the organizer of Levensten '427 so as to appeal to a greater number of users.

Moreover, however, Levensten '427 in view of Chen '255 further fail to specifically teach plurality of lift out drawers to be coupled to one another by a pair of hinges. Nevertheless, Simonsen '409 divulges an organizer (figure 1) having top and middle sections (figure 1) wherein the top section has a lift out drawer/plurality of drawers (22,23) that are coupled to one another by a pair of hinges (28,29). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the drawers of Levensten '427 in view of Chen '255 to be as those in Simonsen '409 such that they are lift out drawers coupled to one another via a pair of hinges so as to further increase the utility and adjustability of the organizer of Levensten '427 in view of Chen '255 so as to appeal to an even greater number of users.

Levensten '427 in view of Chen '255, and further in view of Simonsen '409 teach the previous invention failing to specifically teach a mirror on the inner surface of the lid. Nevertheless, Lewis '830 reveals an organizer (figure 1) with a

top section with a lid (20) having a mirror (42) on an inner surface thereof. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a mirror on the inner surface of the lid of Levensten '427 in view of Chen '255, and further in view of Simonsen '409 in order to increase the utility of the organizer by providing a convenient location for a mirror.

Levensten '427 in view of Chen '255, and further in view of Simonsen '409, and further in view of Lewis '830 teach the previous invention failing to specifically reveal the plurality of lift out drawers/drawers of the middle section to have removable, adjustable dividers located therein. However, Bernstein '637 discloses a compartment/drawer (18) with a plurality of removable/adjustable dividers (figure 4) located therein. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a plurality of removable dividers in the lift out drawers/drawers of the middle section of Levensten '427 in view of Chen '255, and further in view of Simonsen '409, and further in view of Lewis '830 as in Bernstein '637 so as to divide the lift out drawers/drawers of the middle section into smaller sections/areas/compartments in order to allow objects or items located within the lift out drawers/drawers of

the middle section to be conveniently organized to a user's preference hence providing for a more orderly organizer.

Levensten '427 in view of Chen '255, and further in view of Simonsen '409, and further in view of Lewis '830, and further in view of Bernstein '637 further fail to specifically teach the middle section to have a pair of doors that can be pivoted to an open position to expose the plurality of drawers and to a closed position to conceal the plurality of doors. However, Townley '577 teaches an organizer (figure 1) including a top section and a middle section with a plurality of stacked drawers (18) with pivotal doors (13,14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have replaced the door of Levensten '427 in view of Chen '255, and further in view of Simonsen '409, and further in view of Lewis '830, and further in view of Bernstein '637 with a pair of pivotal doors as in Townley '577 so as to provide for a more asthetically pleasing organizer in addition to providing for an alternate drawer concealing means.

Levensten '427 in view of Chen '255, and further in view of Simonsen '409, and further in view of Lewis '830, and further in view of Bernstein '637, and further in view of Townley '577 teach the previous invention failing to specifically reveal the top and middle sections to be lined with an anti-tarnish cloth. However,

Waitzman '041 discloses the use of an organizer where a drawer is lined with an anti-tarnish cloth (column 1, lines 31-34). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have lined the drawer(s) of the top and middle sections of Levensten '427 in view of Chen '255, and further in view of Simonsen '409, and further in view of Lewis '830, and further in view of Bernstein '637, and further in view of Townley '577 with an anti-tarnish cloth so as to protect articles placed within the organizer from damage or marring.

With respect to claim 87, Levensten '427 in view of Chen '255, and further in view of Simonsen '409, and further in view of Lewis '830, and further in view of Bernstein '637, and further in view of Townley '577, and further in view of Waitzman '041 teach the previous invention failing to specifically teach a bar to be located on an inner surface of the door of the middle section. However, Townley '577 teaches the inner surface of the door to have a bar (figure 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a bar on the inner surface of the door so as to increase the utility of the organizer by providing a convenient location to hang an object or item.

Claims 65 and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levensten '427 in view of Chen '255, and further in view of Simonsen '409, and further in view of Lewis '830, and further in view of Bernstein '637, and further in view of Townley '577, and further in view of Waitzman '041, and further in view of Kramer '713.

Levensten '427 in view of Chen '255, and further in view of Simonsen '409, and further in view of Lewis '830, and further in view of Bernstein '637, and further in view of Townley '577, and further in view of Waitzman '041 teach the previous invention failing to specifically teach a "secret" compartment to be located on the back of the organizer. However, Kramer '713 teaches an organizer (figure 1) with a "secret" compartment (figure 2, lines 32-34) on a backside thereof. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a secret compartment on a backside of the organizer of Levensten '427 in view of Chen '255, and further in view of Simonsen '409, and further in view of Lewis '830, and further in view of Bernstein '637, and further in view of Townley '577, and further in view of Waitzman '041 so as to increase the utility of the organizer by providing for more storage for objects and items.

Response to Arguments

Applicant's arguments filed February 25, 2005 have been fully considered but they are not persuasive.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the Examiner provided motivation for all combinations of references.

In response to applicant's argument that the references used by the Examiner are nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, although some are tool boxes/tool chests, some are cosmetic cases and some are kitchen

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cabinets, the fact remains that all are directed to box type structures with drawers, cabinets, platforms, etc for storage of various handheld objects. Thus, the references used by the Examiner are clearly analogous art, as would be recognized by an ordinary artisan.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jon A Szumny whose telephone number is (571) 272-6824. The examiner can normally be reached on Monday-Friday 8-4.

The fax phone number for the organization where this application and proceeding are assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-3600.

A handwritten signature in black ink, appearing to be 'Jon Szumny', with a stylized, looping flourish at the end.

Jon Szumny
Primary Examiner
Technology Center 3600
Art Unit 3632
June 7, 2005